

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 23-748 KWR

DEMETRIO TRUJILLO,

Defendant.

**ORDER CONTINUING JANUARY 28, 2025 SENTENCING HEARING AND
RELATED DEADLINES AND SENTENCING GUIDELINE ORDER**

THIS MATTER HAVING COME before the Court upon the Defendant's unopposed motion to continue January 28, 2025 sentencing hearing and related deadlines and to set filing schedule (Doc.293), the Court, being familiar with the premises of the motion and recognizing that the motion is unopposed,

HEREBY FINDS AND ORDERS that the said motion, for the reasons stated in the unopposed motion, is well-taken and granted, and the sentencing hearing scheduled for January 28, 2025 is vacated and will be scheduled for a later date on **May 21, 2025 at 9:00 a.m.**

At least TWENTY-ONE (21) DAYS prior to the sentencing hearing, the parties must state in writing to the Probation Officer and opposing counsel any objections to

the presentence investigation report, including objections to material information, sentencing guidelines ranges, and policy statements contained in or omitted from the report.

Any party objecting to the presentence investigation report must seek resolution of all objections in conference with opposition counsel and the Probation Office as soon as possible, but no later than FOURTEEN (14) DAYS prior to the sentencing hearing. The presentence conference is mandatory, except when the contents of the presentence investigation are not in dispute, and the complaining party shall be responsible for scheduling the conference with the Probation Officer and opposing counsel.

Counsel for the defendant and the government shall file and serve any motions for departure or variance from the U.S.G. at least FOURTEEN (14) DAYS prior to the sentencing hearing. Sentencing position papers, which shall include a response to any motion for departure or variance, in applicable, shall be filed and served SEVEN (7) DAYS prior to the sentencing hearing and shall not exceed 20 pages in length without leave of the Court. Copies shall be delivered to the Probation Office on the same schedule.

The sentencing pleadings shall include (1) a statement that there are no objections to the presentence investigation report, if applicable; (2) notice of any objections to the presentence investigation report and any supporting evidence, documents, or affidavits; (3) responses to any motion for upward or downward departure or variance sentence. Sentencing pleadings need not include a detailed explanation of the U.S.S.G. unless

directly applicable to a contested sentencing issue and (4) a brief summary of the anticipated testimony of any expert witnesses either side intends to present. The Court shall resolve objections and motions upon the submissions of the parties and will hear testimony only for good cause shown.

Should there be no objections to the presentence investigation report and not motions for departure or variance from the U.S.S.G., counsel may file a Waiver of Rule 32(e)(2) and request an earlier sentencing date.

The Probation Office shall transmit to the sentencing judge the presentence investigation report, including guideline computations and an addendum indicating any unresolved objections, no later than SEVEN (7) DAYS prior to the sentencing hearing.

Should either the defendant or the government change their position with respect to the calculation of the guidelines or any relevant pending motion pertaining to the sentencing proceeding, counsel shall inform the Court as early as possible but no later than TWENTY-FOUR (24) HOURS prior to the commencement of the sentencing hearing.

The time periods set forth may be modified by the Court for good cause shown. Time periods under this Order shall be CALENDAR days. In computing any period of time under this Order, if any deadline falls on a Saturday, Sunday, or holiday, the deadline shall be the last business day prior to the Saturday, Sunday, or holiday.

It is SO ORDERED.

/S/
THE HONORABLE KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

APPROVED BY:

/s/ Todd B. Hotchkiss
TODD B. HOTCHKISS
ATTORNEY AT LAW, LLC
Attorney for DEMETRIO TRUJILLO

Approval by Email 11/14/24
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JEREMY PEÑA
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